

021100CITY OF WICHITA  
ORDINANCE NO. 49-333

SEDGWICK COUNTY  
RESOLUTION NO. \_\_\_\_\_

Date Adopted by City of Wichita: August 21, 2012  
Date Adopted by Sedgwick County : - - 2012

Date Published by City of Wichita: August 24, 2012  
Date Published by Sedgwick County: - - 2012

**A JOINT CITY ORDINANCE AND COUNTY RESOLUTION CREATING THE POLICY OF ESTABLISHING A CONSOLIDATED ENTITY FOR BUILDING PLAN REVIEW, BUILDING, TRADE AND CODE ENFORCEMENT; PROVIDING FOR ADOPTION OF JOINT BUILDING, MECHANICAL AND STRUCTURAL, PLUMBING, FUEL AND GAS, AND ELECTRICAL CODES; APPOINTMENT OF CONSOLIDATED BOARDS FOR THE ADOPTION OF CODES, CREATING EXAMINATION AND LICENSURE STANDARDS, AND INCLUDING THOSE SECOND AND THIRD CLASS CITIES LOCATED WITHIN SEDGWICK COUNTY WHICH HAVE BY ACTION OF THEIR GOVERNING BODIES ADOPTED THE CODES IN THE SAME FORM AND THAT HAVE ENTERED INTO SEPARATE AGREEMENTS PROVIDING FOR ENFORCEMENT WITHIN THEIR MUNICIPAL BOUNDARIES.**

**WHEREAS**, the Governing Body of the City of Wichita is authorized by K.S.A. 12-3014, 12-3301, 12-3302 and 12-3009 *et. seq.*, to officially adopt, incorporate, and promulgate by ordinance codes, rules and regulations for building construction and related trades within the incorporated limits of the city; and

**WHEREAS**, the Board of County Commissioners is authorized by K.S.A. 19-101, 12-3301 and 12-3303 *et. seq.*, to officially adopt, incorporate, and promulgate by resolution codes, rules and regulations for building construction and related trades within the confines of the county and those second and third cities that have adopted those codes, rules and regulations by action of their governing bodies and have entered into agreements related thereto; and

**WHEREAS**, the Board of County Commissioners of Sedgwick County, as the Governing Body of Sedgwick County, Kansas, and the City Council of the City of Wichita, as the Governing Body of the City of Wichita, desire to consolidate the currently separate departments of Code Enforcement and Office of Central Inspection in order to better serve the public and to make more efficient and effective the customer service provided to all of their citizens and stakeholders; and to protect and preserve the safety and quality of the buildings and structures for human habitation and living environments; and have been further advised by their respective trade and building boards that they recommend consolidation of the currently separate departments; and

**WHEREAS**, Sedgwick County and the City of Wichita desire to create a joint policy and authorize the establishment of a consolidated entity for the joint adoption, creation and enforcement of codes and building trade standards, including all related activities thereto; and

**WHEREAS**, the purpose of the consolidated entity will be to jointly administer the codes with the intent that the same will be adopted and maintained in substantially identical form where practicable, while considered the individual enactment of the City of Wichita or of Sedgwick County, as applicable; and that if either the City of Wichita or Sedgwick County fails to adopt a code, or a provision therein, or amends or repeals it while the other adopts, amends or maintains it in force, it shall be valid within the jurisdiction of the jurisdiction that adopted, amended or maintained it, notwithstanding its status in the other jurisdiction, and

**WHEREAS**, the parties agree to enter into an appropriate agreement and memorandum of understanding setting forth the duties, services and activities to be provided to one another as authorized by K.S.A. 12-2908.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS AND ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS THAT:**

***SECTION 1. POLICY.***

It shall be the joint policy of Sedgwick County and the City of Wichita to consolidate code enforcement and trade standards to safeguard the life, health, property and the general welfare of all citizens through education, application and verification of development and building standards and regulations; and to better serve the public and to make more efficient and effective the customer service provided to all citizens and stakeholders.

***SECTION 2. CREATION OF THE METROPOLITAN AREA BUILDING and CONSTRUCTION DEPARTMENT.***

There is hereby created the *Metropolitan Area Building and Construction Department* (“*MABCD*”) that shall be the new consolidated single entity to provide code enforcement and trade standards application within unincorporated confines of Sedgwick County, Kansas and within the incorporated confines of Wichita, Kansas; and those second and third class cities located within Sedgwick County which have by action of their governing bodies adopted the codes, regulations and standards in the same form and that have entered into separate agreements with *MABCD* providing for enforcement within their municipal boundaries. The consolidated entity shall combine data management and records into a single system to allow for integration and application of efficient technology for citizens and stakeholders.

### ***SECTION 3. CONSOLIDATION OF BUILDING CODES AND TRADE STANDARDS.***

A review and standardization of building codes and trade standards shall be undertaken forthwith by *MABCD* and with the review and recommendation of the applicable trade boards to the governing bodies for the joint adoption and implementation. All other previous and inconsistent Resolutions and/or Ordinances shall be repealed and each jurisdiction shall retain their respective enforcement powers authorized by Kansas law.

### ***SECTION 4. CONSOLIDATION OF TRADE BOARDS.***

There shall be created consolidated trade boards for building code standards and appeals; electrical standards and appeals; mechanical standards and appeals; and plumbing and fuel standards and appeals. Said boards shall be appointed jointly by Sedgwick County and the City of Wichita. The trade board members shall have established terms and shall serve at the pleasure of the governing bodies. The trade boards shall make recommendations to the governing bodies for the adoption of codes and standards and shall hear appeals of any person aggrieved by determination(s) of the *MABCD*.

### ***SECTION 5. CONSOLIDATION OF LICENSES AND CERTIFICATES.***

City and County licenses and certificates shall be consolidated into a single standard with one application process and with renewals on a biennial basis. A license or certificate issued by the *MABCD* shall apply to the unincorporated confines of Sedgwick County, Kansas and within the incorporated confines of Wichita, Kansas; and those second and third class cities located within Sedgwick County which have by action of their governing bodies adopted the codes, regulations and standards in the same form and that have entered into separate agreements with *MABCD* providing for enforcement within their municipal boundaries.

### ***SECTION 6. CONSOLIDATION OF PLAN REVIEW, PERMITTING AND INSPECTIONS.***

City and County plan review, permitting and inspection processes shall be consolidated into a single standard with one plan review process and with the issuance of permits and inspections to be conducted by *MABCD*. Permits issued and inspections conducted by *MABCD* shall apply to the unincorporated confines of Sedgwick County, Kansas and within the incorporated confines of the City of Wichita, Kansas; and those second and third class cities located within Sedgwick County which have by action of their governing bodies adopted the codes, regulations and standards in the same form and that have entered into separate agreements providing for enforcement within their municipal boundaries.

### ***SECTION 7. SEVERABILITY.***

If any provision or section of this joint Resolution and Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality shall not affect any other provision of this joint Resolution and Ordinance. This joint Resolution and Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

***SECTION 8. EFFECT.***

This joint Resolution and Ordinance shall take effect and be in force from and after its adoption and publication once in the official County and City newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
KARL PETERJOHN	_____
RICHARD RANZAU	_____
JAMES B. SKELTON	_____

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
KELLY B. ARNOLD, County Clerk

\_\_\_\_\_  
TIM R. NORTON, Chairman  
Commissioner, Second District

\_\_\_\_\_  
JAMES B. SKELTON, Chair Pro Tem  
Commissioner, Fifth District

APPROVED AS TO FORM:

\_\_\_\_\_  
BILL H. RAYMOND  
Assistant County Counselor

\_\_\_\_\_  
DAVID M. UNRUH  
Commissioner, First District

\_\_\_\_\_  
KARL PETERJOHN  
Commissioner, Third District

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RICHARD RANZAU  
Commissioner, Fourth District

PASSED by the governing body of the CITY OF WICHITA, KANSAS, this 21st day of  
August, 2012.

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CARL BREWER, Mayor

ATTEST:

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KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

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GARY E. REBENSTORF  
Director of Law